

UNITED STATES DISTRICT COURT

for the

District of New Mexico**FILED**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOUnited States of America
v.Case No. 16-MJ-244 JAN 22 2016**MATTHEW J. DYKMAN**
CLERKTERRELL RAY ANTONIO
*Defendant(s)***CRIMINAL COMPLAINT**

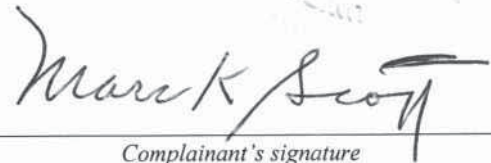
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 17, 2016 in the county of San Juan in the
 District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, USC 113(a)(6)	Assault resulting in serious bodily injury

Title 18, USC 1153	Crime on Indian Reservation
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This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

Marc K. Scott, Criminal Investigator

Printed name and title

Sworn to before me and signed in my presence.

Date:

1-22-2016

City and state:

Farmington, NM*Judge's signature***B. Paul Briones, US Magistrate Judge***Printed name and title*

Approved: AUSA, ER 1/21/2016

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

United States of America,)	Case No.:
)	
Plaintiff,)	
)	AFFIDAVIT
VS.)	
)	
Terrell Ray Antonio)	
)	
YOB: 1976)	
)	
SSAN: XXX-XX-3516)	
)	
Defendant)	

AFFIDAVIT

I, being duly sworn, do hereby depose and state:

I am a regularly appointed Criminal Investigator with the Navajo Department of Criminal Investigation. I have been a Navajo Criminal Investigator for approximately 13 years, and was a uniformed Navajo police officer for six years prior to becoming an investigator. I am currently assigned to the Shiprock, New Mexico, Criminal Investigation office, where I primarily investigate violent crimes, including serious bodily injury crimes, on the Navajo Indian reservation.

FBI Special Agents Lance Roundy and William Waldron, along with officers of the Navajo Nation Department of Public Safety (NNDLE) and I derived the following facts during an investigation.

At approximately 7:05 pm on January 17, 2016, Navajo Police Dispatcher Gwen Coleman contacted me and said Navajo Police Officer Harold Moses was on the scene of an apparent hit and run

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1 pedestrian crash in Hogback, New Mexico, a small community east
2 of Shiprock on the Navajo Indian reservation. I responded to
3 the scene.

4 Upon arrival, I met with Navajo Police Officer Moses and was
5 given a paper evidence bag containing what appeared to be broken
6 pieces from a vehicle. Officer Moses collected those pieces from
7 the immediate area near where the pedestrian was struck by the
8 vehicle. The female pedestrian identified herself to Officer
9 Moses as VE. VE told Officer Moses she was with Terrell Antonio.
10 They were in his vehicle and had stopped on the shoulder of the
11 roadway. They were arguing, so she got out and began walking.

12 Due to her injuries, VE was flown by Air-Care helicopter to
13 San Juan Regional Medical Center prior to my arrival. Officer
14 Moses pointed to what appeared to be blood soaked into the dirt.
15 Officer Moses indicated that was the area where VE was sitting
16 when he arrived. A woman identified herself as Jamie Begay and a
17 male identified as Nelson Yellowman witnessed the female walking
18 on the shoulder of the roadway seconds before the vehicle hit
19 her. The suspect vehicle was driving on the shoulder of the
20 roadway rapidly approaching the female. The vehicle hit her, did
21 not stop, and left the area. The witnesses were passing by as
22 the suspect vehicle hit her and they stopped and turned around
23 to render aid. They gave a brief description of the suspect
24 vehicle as a small silver sedan.

25 At approximately 7:30 pm, Rose Antonio called the Navajo
26 Police dispatcher and reported her husband, Steven, and her son,
27 Terrell, were fighting. Navajo Police officers responded and
28 arrested Terrell. The vehicle at the location matched the

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1 description of the suspected silver vehicle that hit VE. The
2 vehicle also had front-end damage. Steven Antonio told officers
3 that when he and his wife Rose arrived home, they found Terrell
4 passed out in the driver's seat. Steven woke Terrell and
5 confronted him about the damage to the vehicle. That is what
6 started the fistfight between them.

7 Steven consented to a search of his vehicle and signed a
8 consent form. The vehicle was towed to Winston's tow yard in
9 Waterflow, New Mexico.

10 Terrell was booked into the Correctional facility. He refused
11 to take the breathalyzer and would not cooperate on two attempts
12 to administer the Horizontal Gaze Nystagmus test.

13 I interviewed VE at the San Juan Regional Medical Center in
14 Farmington, NM. She said Terrell picked her up around 3-3:30 pm
15 in Shiprock and they went to a movie in Farmington. Terrell
16 purchased some alcoholic beverages before the movie. He began
17 consuming the alcoholic beverages before and during the movie.
18 He began to get loud and said, "This movie is boring," so they
19 left before the movie was over. When they left the theater, VE
20 drove and Terrell sat in the front passenger seat. She drove
21 back toward Shiprock. Near the Hogback store, Terrell wanted her
22 to stop but she refused and continued toward Shiprock because
23 she wanted to get home.

24 Approximately two miles later, Terrell reached over and turned
25 off the vehicle ignition and pulled out the vehicle keys. VE
26 stopped on the shoulder of the roadway and exited the vehicle.
27 She started walking on the shoulder in the direction of Shiprock
28 (west). She did not realize a vehicle struck her until she

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1 regained consciousness and people were standing around her. The
2 people told her a car hit her and the ambulance was on its way.

3 VE was flown by Air-Care helicopter to San Juan Regional
4 Medical Center and admitted for a fractured hip, a broken right
5 upper arm, and head trauma.

6 Terrell R. Antonio was interviewed at the Criminal
7 Investigation office in Shiprock, New Mexico. After being
8 advised of his Miranda rights he agreed to speak to Investigator
9 Scott and Special Agent Waldron. Antonio said he picked up VE in
10 Shiprock and they went to a movie in Farmington. He consumed one
11 (1) 40 oz. bottle of malt liquor before and during the movie. On
12 the way back to Shiprock after the movie, he consumed a pint of
13 vodka. They returned to Shiprock and VE got out of the vehicle
14 at her house. He drove off and met two unknown females. One of
15 the females drove him around and at some point a log hit his
16 windshield. After being told the log broke his windshield, he
17 told the females to drive him home. The females got out at the
18 entrance to his driveway so he drove the rest of the way home.
19 Later, he ended up getting arrested after he got into a fight
20 with his dad. He was unable to identify the females or say
21 specifically where they went and where they were when the log
22 hit the windshield.

23 Both VE and Terrell R. Antonio are enrolled members of the
24 Navajo tribe. The location of the incident is located within the
25 exterior boundaries of the Navajo Indian reservation.

26
27 Based on the above, I believe probable cause exists to
28 believe Terrell R. Antonio, an Indian person, committed the

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1 crime of Assault resulting in serious bodily injury, in
2 violation of Title 18 USC Section 113(a)(6), by striking VE with
3 a vehicle rendering her momentarily unconscious and causing
4 multiple fractured bones and head injury, and that this crime
5 occurred within the exterior boundaries of the Navajo Indian
6 reservation, in violation of Title 18 USC Section 1153. I
7 request a warrant be issued for Terrell R. Antonio's arrest for
8 the above charges.

9
10 

11 Marc K. Scott
12 Criminal Investigator
13 Navajo Dept. of Criminal Invest.
14 Shiprock, New Mexico

15 Subscribed and sworn to before me this 22 day of January 2016

16
17 
18 { Certifying Official }

19 B. Paul Briones, US Magistrate Judge

20 My commission expires _____.

